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tion is summarily dismissed in 20 pages. Other topics included in this volume are negotiations, treaties, means of coercion other than war, the seizure and judgment of prizes, and peace.

Our author shows a wide acquaintance with the literature of the subject, particularly with the writings of continental publicists, from whom by far the greater part of his citations are made. Recognizing custom and treaties as the only sources of international law, he practically ignores case law. While certain English and American writers have displayed an undue propensity for case-hunting, it is just as bad to err in the other direction, as M. Nys has done. Even granting that the decisions of prize courts and courts of arbitration are not sources of law in the strict sense, they are at least entitled to respect as evidence of what the customary rules of law are. On many points of law the decisions of prize courts and state papers afford the only conclusive evidence as to the present attitude of states and therefore they can not be ignored in any treatise which aims at more than a purely theoretical discussion.

The chapters on arbitration are not satisfactory either as an historical survey or as a critical exposition of the subject. The author makes a general application of Lorimer's statement to the effect that in the Alabama case "the decision of the arbiters rested on a definition made for a special purpose, and not on the common law of nations; it was the treaty of Washington of May 8, 1871, not the sentence of the arbiters of September 14, 1872, which prevented war." While this statement may be true of this case, a like objection can not be made to all arbitral decisions. The provisions of the convention establishing The Hague Court are given in outline, but there is no reference to the cases that have actually come before that tribunal.

On most of the disputed points M. Nys sides with the continental writers and condemns many of the English and American doctrines, such as the doctrine of *continuous voyage*. As a whole the work is well written and interesting. As an historical exposition of the rules of international law it has decided merits, but as a criticism of existing law it falls short of what might be expected in a work of its pretensions.

JOHN HOLLADAY LATANÉ.

THE LAW OF WAR BETWEEN BELLIGERENTS. By PERCY BORDWELL.  
Chicago: Callaghan and Company. 1908. Pp. xxiv, 374.)

It is as yet too early to ascertain the full effect which the work of The Second Hague Conference will have upon the course and development of

international law. One result of that gathering, however, which is already quite apparent, is the largely increased output of literature concerning the matters with which the conference dealt. The greatest achievements of the conference were not those pertaining to the law of war, yet even in that field it accomplished noteworthy results. These results, together with those of the Geneva Convention of 1906 are carefully noticed in Part II of Professor Bordwell's book.

The two parts of the book are quite different in method. Part I comprising more than half the book, consists of a history of the law of war from the earliest times to the close of the Russo-Japanese war, interspersed with historical notes concerning the codification of the law of war in international declarations and conventions. The early history, down to the close of the Napoleonic era is very cursorily treated, after which Professor Bordwell takes up more in detail the later wars, with the exception of the Crimean, which, curiously enough, he scarcely notices. His method is to recount the actual practice during the war and to compare such practice with existing and later international agreements. This part is somewhat lacking in proportion and is not, of course, comparable in value with the special works upon which it is largely based. It will, however, prove useful as giving a general view of the whole history.

Part II consists of a commentary on the Hague and Geneva Conventions. It does not deal with the results of those conventions in the way of broad generalization, or with reference to their significance as a whole in the development of international law, but takes up in detail the specific conventions adopted and comments upon each one in a careful and painstaking manner. It thus constitutes a thorough and valuable commentary on the law of war between belligerents in the light both of actual practice and of the latest international conventions.

Professor Bordwell does not attempt to give a formal definition of war, and he takes for granted that *inter armes non silet jus*. He rejects the German principle of necessity as an overruling factor in war, and it may be questioned whether in doing so, in common with Westlake, Oppenheim and other English writers, he does not evince a tendency to depart from the purely phenomenal basis of the science. The book as a whole lies halfway between the special monograph and the complete treatise, and, as might be expected, exhibits both the advantages and the disadvantages attaching to works of such a character. It is necessarily incomplete, for it treats only the law of war as between belligerents, and thus does not touch upon the questions of constantly growing importance

concerning the relations between belligerent and neutral states. The author, however, promises to deal with the latter aspect of the subject in a subsequent volume.

J. M. MATHEWS.

*Some Neglected Aspects of War.* By CAPTAIN A. T. MAHAN. U. S. N. (Boston: Little, Brown, and Company. 1907. Pp. xxii, 193.)

As the title would indicate, Captain Mahan has, in this little volume, called attention to certain phases which are often overlooked or neglected in the discussions centering around the questions of war and peace, armament and disarmament. He criticizes the position of many of the advocates of international arbitration in contending that all war is wicked and that it is never justified. It is his opinion that universal peace will be retarded, rather than advanced, by neglecting to look the facts straight in the face and to consider them calmly and diligently.

To illustrate his point that, under present conditions, war is sometimes necessary and justified, he cites the fact that the governments all resort to force to maintain internal peace and order, that evil could often be overcome only by force, and that by analogy, states must resort to force. Just as individuals felt compelled to obey their consciences when it came to a question of right or wrong, so it was with states. The conscience of the state is embodied in the phrase "honor and vital interests" according to Captain Mahan. He takes the position that there are certain things which are so vital, not only to the present generation, but to posterity, that no state can afford to submit them to an outside tribunal for adjudication. It must not be understood that he approves of war *per se*, for he thinks that at some future time it may become possible to abolish war, but that our present efforts should be directed towards the reduction of the evils of war with a view to its ultimate abolition in the future.

The volume consists of six papers, four of them being contributed by Captain Mahan, and the other two by Messrs. Henry S. Pritchett and Julian S. Corbett. The papers by Captain Mahan are *The Moral Aspect of War*, *The Practical Aspect of War*, *War from the Christian Standpoint*, and *The Hague Conference of 1907, and the Question of Immunity for Belligerent Merchant Shipping*. The one by Mr. Pritchett is *The Power that Makes for Peace* and that by Mr. Corbett, *the Capture of Private Property at Sea*.

The volume should be of interest to all students of international law,